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9 *Attorney for Plaintiff Samoeun Sareth*

FILED  
2012 OCT -4 PM 2:24  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

10 **UNITED STATES DISTRICT COURT**

11 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

12 SAMOEUN SARETH

Civil Action No. SACV12 - 01714 JST (MLGx)

13 Plaintiff,

14 v.

**COMPLAINT OF VIOLATIONS OF FAIR  
CREDIT REPORTING ACT**

15 EXPERIAN INFORMATION  
16 SOLUTIONS, INC.

**DEMAND FOR JURY TRIAL**

17 Defendant.

18 **PRELIMINARY STATEMENT**

19 1. This is an action for damages brought by an individual consumer against the  
20 Defendant for violations of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §§ 1681, *et seq.*,  
21 as amended.

22 **JURISDICTION AND VENUE**

23 2. Jurisdiction of this Court arises under 15 U.S.C. § 1681p and 28 U.S.C. § 1331.

24 3. Venue lies properly in this district pursuant to 28 U.S.C. § 1391(b).

25 **PARTIES**

26 4. Plaintiff Samoeun Sareth is an adult individual who resides at 5522 Arboga  
27 Road, Olivehurst, CA 95961.  
28

1           5. Defendant Experian Information Solutions, Inc. is a business entity and  
2 consumer reporting agency that regularly conducts business in the Central District of California,  
3 and which has its headquarters and a principal place of business located at 475 Anton  
4 Boulevard, Costa Mesa, CA 92626.

5                                   **FACTUAL ALLEGATIONS**

6           6. Defendant has been reporting derogatory and inaccurate statements and  
7 information relating to Plaintiff and Plaintiff's credit history to third parties ("inaccurate  
8 information") from at least February 2012 through present. The inaccurate information includes  
9 numerous tradelines, including, but not limited to, an account with American Honda Finance,  
10 Cach LLC/ Collect America, Calvary Portfolio Service, Educational EMP CU, GE Capital/  
11 Dillards, GE JC Penny, HSBC Bank, HSBC Bank Nevada, Kay Jewelers, Macy's, National  
12 Credit Adjusters, Nordstrom FSB, American General Finance, Wells Fargo Dealer Services,  
13 WFNNB/ Express, GECRB/ Banana Republic, GE Money Bank/ Gap, Target Corp and United  
14 Local CU, as well as identifying personal information.

15           7. The inaccurate information negatively reflects upon the Plaintiff, Plaintiff's credit  
16 repayment history, Plaintiff's financial responsibility as a debtor and Plaintiff's creditworthiness.  
17 The inaccurate information consists of accounts and/or tradelines that do not belong to the  
18 Plaintiff and that actually belong to at least one other consumer. Due to Defendant's faulty  
19 procedures, Defendant mixed the credit file of Plaintiff and that of at least another consumer with  
20 respect to the inaccurate information and other personal identifying information.

21           8. Defendant has been reporting the inaccurate information through the issuance of  
22 false and inaccurate credit information and consumer credit reports that it has disseminated to  
23 various persons and credit grantors, both known and unknown. Defendant has repeatedly  
24 published and disseminated consumer reports to such third parties from at least February 2012  
25 through the present.

26           9. Plaintiff's credit report and file has been obtained from Defendant and has been  
27 reviewed by prospective and existing credit grantors and extenders of credit, and the inaccurate  
28

1 information has been a substantial factor in precluding Plaintiff from receiving different credit  
2 offers and opportunities, known and unknown. Plaintiff's credit reports have been obtained from  
3 Defendant by such third parties from at least February 2012 through the present.

4 10. As a result of Defendant's conduct, Plaintiff has suffered actual damages in the  
5 form of credit denial or loss of credit opportunity, credit defamation and emotional distress,  
6 including anxiety, frustration, embarrassment and, humiliation.

7 11. At all times pertinent hereto, Defendant was acting by and through its agents,  
8 servants and/or employees who were acting within the course and scope of their agency or  
9 employment, and under the direct supervision and control of the Defendant herein.

10 12. At all times pertinent hereto, the conduct of the Defendant, as well as that of its  
11 agents, servants and/or employees, was intentional, willful, reckless, and in grossly negligent  
12 disregard for federal law and the rights of the Plaintiff herein.

13 **FIRST CLAIM FOR RELIEF**

14 **VIOLATIONS OF THE FCRA**

15 13. Plaintiff incorporates the foregoing paragraphs as though the same were set forth  
16 at length herein.

17 14. At all times pertinent hereto, Experian was a "person" and a "consumer reporting  
18 agency" as those terms are defined by 15 U.S.C. § 1681a(b) and (f).

19 15. At all times pertinent hereto, Plaintiff was a "consumer" as that term is defined  
20 by 15 U.S.C. § 1681a(c).

21 16. At all times pertinent hereto, the above-mentioned credit reports were "consumer  
22 reports" as that term is defined by 15 U.S.C. § 1681a(d).

23 17. Pursuant to 15 U.S.C. §1681n and 15 U.S.C. §1681o, Defendant is liable to the  
24 Plaintiff for willfully and negligently failing to comply with the requirements imposed on a  
25 consumer reporting agency of information pursuant to 15 U.S.C. § 1681e(b).

26 18. The conduct of Defendant was a direct and proximate cause, as well as a  
27 substantial factor, in bringing about the serious injuries, actual damages and harm to Plaintiff  
28

1 that are outlined more fully above and, as a result Defendant is liable to Plaintiff for the full  
2 amount of statutory, actual and punitive damages, along with the attorney's fees and the costs of  
3 litigation, as well as such further relief, as may be permitted by law.

4 **JURY TRIAL DEMAND**

5 1. Plaintiff demands trial by jury.

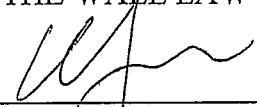
6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff seeks judgment in Plaintiff's favor and damages against the  
8 Defendant, based on the following requested relief:

- 9 (a) Actual damages;  
10 (b) Statutory damages;  
11 (c) Punitive damages;  
12 (d) Costs and reasonable attorney's fees; and  
13 (e) Other and further relief as may be necessary, just and proper.

14 Respectfully Submitted,

15 THE WALL LAW OFFICE, APC

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17 \_\_\_\_\_  
18 William J. Wall  
19 Attorney for Plaintiff  
20 Samoeun Sareth  
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Dated: October 3, 2012

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Josephine Tucker and the assigned discovery Magistrate Judge is Marc Goldman.

The case number on all documents filed with the Court should read as follows:

**SACV12- 1714 JST (MLGx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☐ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

## Name &amp; Address:

William J. Wall- SBN 203970  
 THE WALL LAW OFFICE  
 A PROFESSIONAL CORPORATION  
 9900 Research Drive  
 Irvine, CA 92618  
 wwall@wall-law.com

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

SAMOEUN SARETH

PLAINTIFF(S)

v.

CASE NUMBER

SACV12 - 01714 JST (MLGx)

EXPERIAN INFORMATION SOLUTIONS, INC.

DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): EXPERIAN INFORMATION SOLUTIONS, INC.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, William J. Wall, whose address is 9900 Research Drive, Irvine, CA 92618. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

*Lori Wagers*  
**LORI WAGERS**

Dated: OCT - 4 2012By: \_\_\_\_\_  
Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) SAMOEUN SARETH	<b>DEFENDANTS</b> EXPERIAN INFORMATION SOLUTIONS, INC.
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  THE WALL LAW OFFICE, A PROFESSIONAL CORPORATION 9900 Research Drive, Irvine, CA 92618 Telephone: (949) 387-4300	Attorneys (If Known)

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> <th style="text-align: left;"></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

<b>IV. ORIGIN</b> (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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<b>V. REQUESTED IN COMPLAINT:</b> <b>JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) <b>CLASS ACTION</b> under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>MONEY DEMANDED IN COMPLAINT:</b> \$ <u>Subject to proof</u>
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<b>VI. CAUSE OF ACTION</b> (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 15 U.S.C. §§ 1681 - 1681x     Violations of the Fair Credit Reporting Act
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<b>VII. NATURE OF SUIT</b> (Place an X in one box only.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:16.6%; vertical-align: top;"> <b>OTHER STATUTES</b>  <input type="checkbox"/> 400 State Reapportionment  <input type="checkbox"/> 410 Antitrust  <input type="checkbox"/> 430 Banks and Banking  <input type="checkbox"/> 450 Commerce/ICC Rates/etc.  <input type="checkbox"/> 460 Deportation  <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations  <input checked="" type="checkbox"/> 480 Consumer Credit  <input type="checkbox"/> 490 Cable/Sat TV  <input type="checkbox"/> 810 Selective Service  <input type="checkbox"/> 850 Securities/Commodities/Exchange  <input type="checkbox"/> 875 Customer Challenge 12 USC 3410  <input type="checkbox"/> 890 Other Statutory Actions  <input type="checkbox"/> 891 Agricultural Act  <input type="checkbox"/> 892 Economic Stabilization Act  <input type="checkbox"/> 893 Environmental Matters  <input type="checkbox"/> 894 Energy Allocation Act  <input type="checkbox"/> 895 Freedom of Info. 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FOR OFFICE USE ONLY: Case Number: SACV12-01714-JST-MLG

AFTER COMPLETING THE FRONT SIDE OF FORM (MLG), COMPLETE THE INFORMATION REQUESTED BELOW.



UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

(Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Yuba County, California

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County, California	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Multiple locations not yet determined	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note: In land condemnation cases, use the location of the tract of land involved**

X. SIGNATURE OF ATTORNEY (OR PRO PER): \_\_\_\_\_ Date October 3, 2012

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))